

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO KEATON,

Plaintiff,

No. CIV S-03-0864 GEB CMK P

vs.

T. FELKER, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On June 23, 2006 and July 7, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. On July 24, 2006, plaintiff was granted an extension of time to file his objections the June 23, 2006 and July 7, 2006 findings and recommendations. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, the court finds the findings and recommendations to be supported by the record and by
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed June 23, 2006 and July 7, 2006, are
5 adopted in full;

6 2. Plaintiff's claim that defendant Brown provided inadequate medical care for
7 the broken bones in his finger is dismissed, without prejudice, for failure to exhaust;

8 3. Plaintiff's claim that defendants were deliberately indifferent to his medical
9 needs in violation of the Eighth Amendment is dismissed for failure to state a claim;

10 4. Plaintiff's claim that defendants were deliberately indifferent to a serious threat
11 to his safety in violation of the Eighth Amendment is dismissed for failure to state a claim.

12 Dated: September 27, 2006

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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